

FILED
DISTRICT COURT OF GUAM
JUN 16 2004
MARY L. M. MORAN
CLERK OF COURT

169

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

* * *

ALAN SADHWANI, LAJU) COURT OF APPEALS
SADHWANI, and K. SADHWANI'S) CASE NO. 04-
INC., a Guam Corporation,)
Plaintiffs,)
vs.) CASE NO. CV03-00036
HONGKONG AND SHANGHAI)
BANKING CORPORATION, LTD., a)
foreign corporation,)
JOHN DOE I through JOHN DOE X,)
Defendants.)
-----)

TRANSCRIPT OF PROCEEDINGS

BEFORE

THE HONORABLE JOAQUIN V.E. MANIBUSAN, JR.

Magistrate Judge

MOTIONS HEARING

THURSDAY, JUNE 3, 2004

ORIGINAL

APPEARANCES:

FOR THE PLAINTIFFS:

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FOR DEFENDANT HONGKONG AND SHANGHAI BANKING
CORPORTATION LIMITED:

LAW OFFICES OF BRONZE & TANG, P.C.
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825 S. Marine Corps Drive
Tamuning, Guam 96913

1 HAGATNA, GUAM; THURSDAY, JUNE 3, 2004; 10:08 A.M.

2 * * *

3 THE CLERK: Civil case 03-00036, Alan
4 Sadhwani, et al., versus HongKong and Shanghai Banking
5 Corporation, Limited, et al., hearing on the following
6 motions:

7 HSBC's *ex parte* motion to reconsider order
8 denying motion to stay all depositions pending
9 determination of its motion to strike first amended
10 complaint in whole or in part; or in the alternative,
11 motion to dismiss the third and sixth causes of action,
12 and for sanctions; HSBC's motion to vacate scheduling
13 order and continue discovery and trial date; and
14 plaintiff's *ex parte* motion to compel discovery, and
15 for sanctions.

16 Counsel, please state your appearances.

17 MS. ARRIOLA: Good morning, Your Honor. Anita
18 Arriola for the plaintiffs Alan and Laju Sadhwani and
19 K. Sadhwani's Incorporated.

20 MR. BRONZE: Good morning, Your Honor.
21 Jacques Bronze on behalf of HSBC.

22 THE COURT: Okay. The Court has three motions
23 before it today. I'm wondering whether any of these
24 motions have been agreed to by the parties in terms
25 of its disposition, or we're just going to hear the

1 motions today?

2 MR. BRONZE: No, Your Honor.

3 THE COURT: Okay. I suppose the first one
4 that we need to take is the one filed first, and that
5 would be the May 4th ex parte motion to reconsider
6 order denying the motion to stay all depositions.

7 Has that been rendered moot in some respects?

8 MR. BRONZE: Your Honor, I haven't -- Judge
9 Pregerson heard the motion. He did circulate a
10 preliminary tentative order; we have not received it.
11 So to a certain extent, assuming that is what is
12 eventually filed, it would be to a certain extent
13 rendered moot.

14 However, there's still no first amended
15 complaint on file.

16 MS. ARRIOLA: Excuse me, Your Honor?

17 THE COURT: Yes.

18 MS. ARRIOLA: We did receive an order from the
19 Court, and we did serve a second amended complaint
20 yesterday.

21 THE COURT: All right. I do have an order
22 here dated -- is it the order dated May 28, or is that
23 another order that you're talking about?

24 MS. ARRIOLA: It would have been the order
25 dated May 28, but it did not come out until Tuesday, I

1 believe; that's when our office received it.

2 MR. BRONZE: Your Honor, I did not receive any
3 order from the Court yesterday. And I didn't go to the
4 office this morning, so --

5 THE COURT: All right. The order basically
6 grants the defendant's motion to strike, and -- the
7 first amended complaint in its entirety. The second
8 part of the order vacates as moot the defendant's
9 motion to dismiss the third and sixth causes of action;
10 and the third part of the order denies the defendant's
11 motion for sanctions.

12 And I have been informed that that was entered
13 on the docket yesterday, June 2nd, although it was
14 filed May 28. It was entered on the docket yesterday.
15 And you received your copy yesterday, Ms. Arriola?

16 MS. ARRIOLA: Yes, Your Honor.

17 THE COURT: So you should be receiving yours
18 then, Mr. Bronze.

19 MR. BRONZE: I will check the court box, Your
20 Honor.

21 MS. ARRIOLA: Your Honor, based on that order,
22 we believe that HSBC's motion to reconsider, it has
23 been rendered moot.

24 THE COURT: Assuming that you get the order,
25 would counsel be in agreement with that? Actually

1 that's what the order --

2 MR. BRONZE: I haven't seen the order, but I
3 assume the order is what --

4 THE COURT: Okay. Then maybe we could go on
5 to the second motion then, and that's the motion to
6 vacate the scheduling order. And I'm wondering whether
7 things have also been put in place where this motion
8 might appear to be proper because of the -- you've just
9 filed an amended complaint, right, Ms. Arriola?

10 MS. ARRIOLA: Second amended complaint, yes,
11 Your Honor.

12 THE COURT: So, does that necessitate a new
13 scheduling order?

14 MS. ARRIOLA: We don't believe so, Your Honor.

15 I can state, Your Honor, that insofar as the
16 bank has asked for an amendment of the scheduling order
17 in terms of extending the discovery deadline, we have
18 to agree to that, and primarily out of necessity, only
19 because we have not been able to take the depositions
20 of the HSBC representatives who failed to show up at
21 their depositions. So to that extent, I think that
22 there is some agreement, but the plaintiffs do oppose a
23 rescheduling of the trial date. And we don't think
24 that the second amended complaint --

25 THE COURT: But basically your position then

1 is that discovery can take place even though you've
2 alleged more claims within the time frame that is set
3 for trial of the matter?

4 MS. ARRIOLA: That's right, Your Honor.

5 And, Your Honor, I would note we haven't added
6 more claims. The judge just allowed us to reassert the
7 third and sixth causes of action in his original order.

8 THE COURT: So my understanding is that you've
9 basically stated more allegations in terms of your
10 other causes of action?

11 MS. ARRIOLA: No, Your Honor. That's why
12 there was the motion to strike, and that's why the
13 motion to strike was granted. We, because the motion
14 to strike was granted, we cut out all the other
15 allegations that we had alleged, the new allegations
16 that we had alleged, and --

17 THE COURT: So that would mean you've gone
18 forward on your original complaint?

19 MS. ARRIOLA: Uhm --

20 THE COURT: My understanding is that you had
21 a complaint, and then there was a motion to dismiss and
22 I think it was granted in part as to the -- is it the
23 fourth or sixth or third --

24 MS. ARRIOLA: It was granted in part as to the
25 third and sixth --

1 THE COURT: Okay, third and sixth. And then
2 when you filed your first amended complaint, you
3 incorporated other allegations in the first, second,
4 fourth, fifth causes of action.

5 MS. ARRIOLA: Correct. And then the judge
6 granted the motion to strike.

7 THE COURT: The motion to strike.

8 MS. ARRIOLA: So we filed a second amended
9 complaint only as to the third and the sixth causes
10 of action. In other words, it's the same original
11 complaint.

12 THE COURT: So that's what I'm saying.

13 MS. ARRIOLA: We just reasserted the third and
14 the sixth causes of action pursuant to Judge Unpingco's
15 order.

16 THE COURT: So you did not avail yourself of
17 the Judge's order that says you could file your new
18 complaint as -- I mean, the first amended complaint?
19 It seemed to me that what he was saying was that he
20 gave you leave to file your complaint as you -- I mean
21 your first amended complaint.

22 MS. ARRIOLA: That was not what the order
23 said, Your Honor.

24 THE COURT: Oh, okay. I'm sorry.

25 MS. ARRIOLA: The order said very clearly

1 "follow Judge Unpingco's order, you are only allowed
2 to reassert the third and sixth causes of action".

3 THE COURT: I see. Okay. So basically, any
4 response or any answer would be as to the third and
5 sixth claims then?

6 MS. ARRIOLA: Well, they would have to file an
7 amended answer to our second amended complaint, and --

8 THE COURT: Incorporating the first, second,
9 third, fourth, fifth and sixth?

10 MS. ARRIOLA: Yes, Your Honor.

11 THE COURT: Mr. Bronze?

12 MR. BRONZE: Your Honor, what the plaintiffs
13 are asking is that, actually, the September trial date
14 would stay.

15 THE COURT: Is that September 2004?

16 MR. BRONZE: Yes.

17 THE COURT: And when was this case filed?

18 MR. BRONZE: October 21st of 2003.

19 And so she's saying basically, let's assume
20 we'll just use from June to August or three months to
21 do discovery, and we have September 21st for the trial.
22 I think HSBC here has been diligent, we have laid out
23 all the discovery, moved on today, with the exception
24 of depositions.

25 On April 30th we received a response as it

1 relates to our first set of interrogs, where it
2 appeared two names of two individuals which were not
3 disclosed to us in their initial disclosures or
4 supplemental disclosures. One of these individuals
5 lives in Philippines, one lives in Dubai in the United
6 Arab Emirates. We requested plaintiffs to provide us
7 a supplemental disclosure, a letter was sent to her on
8 May 23rd, in order to comply with 26(a)(1)(A); to this
9 date we have not received a response. However, we can
10 only surmise that these two individuals involve --
11 these potentially individuals were to provide financing
12 to Mr. Sadhwani other than First Hawaiian Bank.

13 HSBC intends to depose these two individuals.
14 And I contacted, immediately contacted HSBC's general
15 counsel in the Philippines to find out what's the
16 process, how long the process; I mean, this was filed
17 May 7th, I found this information on April 30th. The
18 general counsel indicated to me that Philippines is not
19 part of The Hague Convention, it's not a signatory.

20 I went to the U.S. State Department website,
21 and the U.S. State Department website indicates that
22 you can only do it through -- a letter of request can
23 only be done through diplomatic channels. And the
24 website, I've attached the copy of what's on the
25 website, I think it's Exhibit 3 to my declaration,

1 states it takes a year for this process to undertake.
2 The general counsel for the HSBC in the Philippines
3 filed a declaration with this court, Jerry Lipcomb,
4 he stated it takes three to four months.

5 In terms of Dubai, I attempted to contact
6 the counsel for HSBC in Dubai; he is not a litigation
7 counsel, however, he has had experience in these
8 matters. He also indicated to me, and this is
9 supported by my declaration on file with the Court,
10 that United Arab Emirates is not a signatory of The
11 Hague Convention, and this is a process that will take
12 more than a year to undertake. HSBC has subsequently
13 retained a litigation counsel in this matter to get
14 further advice; however, the counsel is on leave. I
15 briefly spoke to him from Greece, and he'll be back in
16 Dubai, I believe, in a week.

17 But the facts are that based on -- what's
18 being requested by plaintiffs is nonsensical, it's not
19 achievable. We have about four foreign countries
20 depositions have to take place. They have stated in
21 their reply they intend to depose HSBC's former Guam
22 CEO, Mr. Priestly, who is now the CEO in Pakistan. I
23 spoke to -- I have an e-mail here, HSBC has tried to
24 retain Mr. Sajid Zahid; I have not had an opportunity
25 to file his declaration with the court because we

1 finally just retained this guy on May 29, and he has
2 indicated to me again that Pakistan is not -- it's a
3 signatory to The Hague Convention but only as it
4 relates to service of documents, not for taking
5 evidence abroad. He's indicated to me that it could
6 take up to a year to get this process done in terms of
7 they want to seek deposition in Pakistan. Based on --

8 THE COURT: These are your employees?

9 MR. BRONZE: No, these are not employees.
10 These are -- this is independent counsel from a firm by
11 the name of Orr, O-R-R, Dignam, D-I-G-N-A-M, and
12 Company. This is an independent counsel, this is not
13 -- in Pakistan. For Philippines, we have the general
14 counsel of the Philippines, who says it's three to four
15 months, we have the U.S. State Department website that
16 says one year.

17 It is to be noted, Your Honor, that based on
18 the schedule being offered by the plaintiffs here,
19 where there's no time to file any motion for summary
20 judgment, the Local Rules of Court 16.7 requires that
21 a trial brief be filed 30 days prior to trial; this is
22 just not feasible. I mean, we're going to be back here
23 doing this, asking this Court again to reschedule this
24 matter. I originally objected to such a short period
25 of time. And we are now here --

1 THE COURT: I'm sorry, who set the date for
2 trial?

3 MR. BRONZE: The judge did.

4 THE COURT: Okay.

5 MR. BRONZE: I mean, we have both filed
6 objections, and I think the judge moved some dates,
7 but set it what it is now.

8 In conclusion, Your Honor --

9 THE COURT: Let me just ask in furtherance
10 of that prior question, what trial time frame were you
11 looking at?

12 MR. BRONZE: Your Honor, I can't recall
13 exactly. I think at that time we had proposed the
14 following -- next year or December. I can't remember.
15 I can go back to the file and look; I can't remember.

16 And at that time when we had entered into the
17 scheduling order, HSBC was not in a position to know
18 about these foreign depositions. We knew we were --
19 we would have to defend depositions as it relates in
20 particular to the Hong Kong depositions. These two
21 individuals just popped up on April 30th; we didn't
22 know we had to take depositions anywhere else. We knew
23 we had to defend it at the very least in Hong Kong. So
24 those were certainly not contemplated, not foreseeable,
25 at least from my perspective, as of the time when we

1 entered the scheduling order.

2 And I think the true facts of the situation
3 here is this is not achievable in three months. We
4 are really kidding ourselves when we're dealing with
5 foreign courts, especially where countries are not
6 members of The Hague Convention, you know, to achieve
7 this discovery within three months. I mean, for Hong
8 Kong alone, I'm informed by our counsel in Hong Kong
9 that it just filed it in Hong Kong Court I think
10 yesterday or a few days ago. And this order was issued
11 more than a month ago. So I ask Your Honor to
12 seriously -- to set aside the scheduling order, and,
13 you know, the range here really for discovery is
14 between four months to a year. And the Court at its
15 convenience can set whatever trial date, whoever the
16 judge is available at that time.

17 So, really, we've been diligent, there's good
18 cause to set aside the scheduling order. And
19 the trial date cannot be maintained under these
20 circumstances. And no amount of diligence by HSBC
21 would have -- even if I got a litigation counsel in
22 the Philippines, we got this information April 30th,
23 the discovery cut-off is June 7, there's no way I could
24 do a deposition in the Philippines within a month.

25 Thank you, Your Honor.

1 THE COURT: Assuming that it becomes necessary
2 to amend the scheduling order based on discovery needs,
3 what time frame are you looking at in terms of setting
4 this matter for trial?

5 MR. BRONZE: Your Honor, I guess it would just
6 follow what the discovery period the Court wishes to
7 give.

8 THE COURT: But aren't we under some rule that
9 requires trials within a certain time period, so we
10 just can't say that we're going to let discovery run
11 until exhausted and then we set a trial after discovery
12 is complete --

13 MR. BRONZE: I think it's 18 months, and we
14 are far from that. I think there's a rule, yeah, it
15 says 18 months. I've seen it put in the schedule
16 order, it's 18 months. And we are far from that.
17 This case was filed in October.

18 I mean, the plaintiffs themselves admitted
19 they need time, except for their argument that, oh,
20 we can accomplish all that in three months; it's
21 nonsensical. I mean, they have not provided this
22 Court with any facts other than their word. I mean,
23 I at least have spoken to lawyers in the Philippines,
24 lawyers in Pakistan, who has informed me what the true
25 timelines are. An independent source, the U.S. State

1 Department, Judicial Assistance Section says it's going
2 to take a year. I don't know which one it is, but we
3 certainly know it's between three months to a year.

4 THE COURT: All right. No, I just need to --
5 these individuals that you say whose depositions are
6 going to be taken, whose witnesses are they?

7 MR. BRONZE: They are their witnesses.

8 THE COURT: The plaintiff's witnesses?

9 MR. BRONZE: Yes.

10 THE COURT: And they are -- what is the
11 relationship again, counsel, general counsel to your --
12 to the defendants?

13 MR. BRONZE: No, these witnesses are purely
14 witnesses, fact witnesses for plaintiffs.

15 THE COURT: Who have worked for the
16 defendants?

17 MR. BRONZE: No, no. I believe, it's not --
18 it's not clear from the complaint because the
19 individuals in the first amended complaint remain
20 nameless, but we believe these are individuals that
21 supposedly Mr. Sadhwani is now alleging were available
22 to provide financing to him as alternative, other than
23 First Hawaiian Bank, these were individuals. This was
24 never disclosed to us, it was never disclosed in the
25 original complaint, they were never disclosed to us in

1 the --

2 THE COURT: I see. So you want to take their
3 depositions?

4 MR. BRONZE: That's correct. And we didn't
5 know that until April 30th. And we still don't have
6 contact numbers for these individuals --

7 THE COURT: And you're talking about two
8 individuals?

9 MR. BRONZE: Yes. Yes, one in the
10 Philippines, one in Dubai. And plaintiffs have stated
11 in their reply memo that they intend to depose
12 Priestly, Mr. Priestly, in Pakistan. So they're going
13 to have to file letters of request. And I'm telling
14 the Court that I have consulted with an independent
15 attorney in Pakistan and he's told me that it's going
16 to take at least a year.

17 THE COURT: But Priestly works for you,
18 though?

19 MR. BRONZE: Correct.

20 THE COURT: I mean, wouldn't it be reasonable
21 to believe that you can have him available without
22 going through diplomatic channels, because he is an
23 employee of the defendant?

24 MR. BRONZE: Your Honor, that's what the
25 letter -- he's not employed with HSBC Guam.

1 THE COURT: But he's an employee of one of the
2 defendants.

3 MR. BRONZE: That's what Rule 28 --

4 THE COURT: -- who came to this Court to ask
5 for a change in forum because of diversity. So having
6 availed itself to the, I suppose one of the benefits of
7 this forum, now to come in and say, well, but I cannot
8 be deposed because of international --

9 MR. BRONZE: Your Honor, that's what Rule 28
10 is for. The process of doing any depositions abroad is
11 in Rule 28. You are required to comply with Rule 28.
12 And that's what they are required to do. And we will
13 do the same, we'll comply with Rule 28.

14 THE COURT: But this is an employee of one of
15 the defendants, though?

16 MR. BRONZE: I don't think it matters, Your
17 Honor. We have no jurisdiction; this guy lives in
18 Pakistan. HSBC Guam is a completely separate, distinct
19 entity.

20 THE COURT: But hasn't that company availed
21 itself to this court's jurisdiction by asking this
22 court to undertake this case?

23 MR. BRONZE: HSBC Guam, yes; not HSBC
24 Pakistan. HS Pakistan is a different corporate
25 structure.

1 THE COURT: But we wouldn't grant jurisdiction
2 if HSBC Guam is asking this Court to take jurisdiction
3 because it's a Guam company, there's no diversity.

4 MR. BRONZE: It's a foreign banking
5 corporation which falls under Hong Kong. HSBC in
6 Pakistan does not, my understanding, fall under Hong
7 Kong. And the process to undertake these depositions,
8 you go to the principal place of business of the
9 corporate defendant and take the deposition, and in
10 accordance -- Rule 28 says that's the mechanics for it.

11 THE COURT: So HSB Guam is a foreign
12 corporation?

13 MR. BRONZE: It's a foreign banking
14 corporation, operating -- which is essentially a
15 subsidiary of HSBC in Hong Kong, whose parent is HSBC
16 Group Holdings PLC in London.

17 THE COURT: And the individual in Pakistan
18 used to be the general manager here?

19 MR. BRONZE: Correct.

20 THE COURT: Or the branch manager?

21 MR. BRONZE: Correct. I think he moved in
22 December of 2002, I'm not sure, or earlier than that.

23 THE COURT: But don't you have the -- don't
24 you have the right to move him places, and to move him
25 here for vacation, so a deposition can be taken?

1 MR. BRONZE: Your Honor, the orders I've got
2 is, they want to take depositions of HSBC officers
3 worldwide, they get a court order, they'll make them
4 available. I wish I could come to this court and say
5 otherwise; I'm not in a position to.

6 THE COURT: But isn't the whole purpose really
7 of, you know, litigation to facilitate discovery, one
8 by the other side expects you to facilitate discovery
9 to the plaintiff just like I expect the plaintiff to
10 facilitate discovery for you?

11 MR. BRONZE: Your Honor, and that's the
12 problem in this case. We've got no facilitation from
13 plaintiff. We can't get -- you can go back to the
14 file, we can't get a 15-page extension, okay, when we
15 need more than 15, more than 25 pages in a brief, we
16 couldn't even get an extended stipulation. Okay. I'm
17 all for the policy of you scratch my back, I scratch
18 yours; that's -- it should be that way. Unfortunately,
19 dealing with plaintiff's counsel, it's not that way,
20 and we don't expect --

21 THE COURT: But isn't the policy that you
22 provide discovery whether you scratch my back or not?

23 MR. BRONZE: No. I mean, the rules are there,
24 it's not -- this is -- this is what the rules are. I
25 mean, this is not serving us interrogs and asking us

1 questions or deposing HSBC officers here. They want to
2 depose an officer of HSBC out in Pakistan; there's a
3 process for that. And I don't see why we -- we should
4 be punished or penalized because they have to undertake
5 a process that the Federal Rules have set for them to
6 do. I mean, that's typical in these cases involving
7 these big corporations where you've got people
8 scattered all over the world, is these letters of
9 request. And the bank, I don't know that, I'll have to
10 check; the bank may have a policy that they don't make
11 their officers available unless you get a court order
12 to do that.

13 THE COURT: All right. So the reason why
14 you say the trial should be moved is because the
15 individuals that the plaintiffs intend to depose can
16 only be deposed by going through a procedure which may
17 take a year?

18 MR. BRONZE: They have to do it, we have to do
19 it. And they've already done one as it relates to Hong
20 Kong.

21 THE COURT: But is that the rationale for
22 extending the trial date and vacating the scheduling
23 order?

24 MR. BRONZE: Well, we've still got depositions
25 to take; we have not done any of our depositions.

1 They've still got depositions; I believe they want to
2 depose certain First Hawaiian officers, and they can
3 clarify that --

4 THE COURT: But the depositions that you want
5 to take though, I mean, what foreseeable time frame do
6 we say will they be completed? What's the time frame
7 for completion of the depositions that you want to
8 take? Is it going to take a year based on
9 international policies?

10 MR. BRONZE: No, I don't think -- no, the
11 local depositions, obviously, assuming all these
12 witnesses are available. Not all the --

13 THE COURT: They can take 30 days?

14 MR. BRONZE: Depending on the witnesses'
15 availability. I think to be fair to the witnesses, to
16 say they're available two to three month period --

17 THE COURT: All right. These witnesses are --

18 MR. BRONZE: The witnesses are here --

19 THE COURT: -- they're employees, related to
20 the plaintiffs, or, what relationship do these
21 witnesses have to the parties?

22 MR. BRONZE: Well, our -- our deponents would
23 be obviously the plaintiffs themselves, and
24 Chris Felix.

25 THE COURT: Well, you know, I mean I suppose

1 you could schedule a notice for ten days and they'll be
2 there to have their deposition taken.

3 MR. BRONZE: A couple of First Hawaiian
4 officers. And in regards to, I believe, they want to
5 take HSBC's former officer in, I think he's in San
6 Francisco, and then --

7 THE COURT: All right. They want to take the
8 San Francisco deposition, the plaintiffs?

9 MR. BRONZE: Yes, plaintiffs. And he's no
10 longer an employee of HSBC.

11 THE COURT: But it seems like -- see, I'm
12 trying to figure out the rationale here for extending
13 the scheduling date of the trial. And you say you want
14 to extend it because you're accommodating the
15 plaintiffs' discovery, and that does not seem to be
16 rationale for extending the trial date.

17 MR. BRONZE: Well, on our part, if we have
18 the local depositions, it could be accomplished in
19 two to three months. But then we got the foreign
20 depositions.

21 THE COURT: That they want to take, the
22 plaintiffs want to take?

23 MR. BRONZE: No, that we want to take, and
24 they want to take. They have stated in their reply
25 memo they want to take the deposition --

1 THE COURT: All right. So the foreign
2 depositions that you want to take, who are these
3 individuals?

4 MR. BRONZE: These are the two individuals
5 that they identified in the April 30th first set of
6 interogs as potentially the individuals that would
7 have --

8 THE COURT: The one in the Philippines?

9 MR. BRONZE: Yes, and the one in Dubai.

10 THE COURT: Okay.

11 MR. BRONZE: Thank you, Your Honor.

12 THE COURT: Ms. Arriola?

13 MS. ARRIOLA: Thank you, Your Honor.

14 The standard in determining whether to modify
15 a scheduling order is whether good cause exists. And
16 good cause as determined by the various case law that's
17 cited in both of our briefs is whether or not the
18 moving party has conducted due diligence in their
19 pursuit or their defense of the case.

20 You'll notice that the bank has not said
21 very much about their due diligence in this case.
22 Mr. Bronze stated one sentence that said "we have
23 been diligent". But let's look at the record to see
24 exactly what the bank has done, because the record
25 shows that the bank has not been diligent in their

1 defense of the case, but instead, has done everything
2 possible to try to delay depositions and discovery, to
3 try to stall the trial date, and to make it as
4 expensive as possible for the plaintiffs to pursue
5 their case.

6 To date the bank's discovery has been one
7 request for production of documents served in December;
8 a first set of interrogatories served in March, five
9 months after the complaint was filed; and one
10 deposition of a custodian of records at First Hawaiian
11 Bank. They haven't even tried to take the deposition
12 of the plaintiffs or of any other witnesses. That is
13 not the conduct of a party who is diligently pursuing
14 their case.

15 On the other hand, let's look at the record
16 to see what the bank has filed in this case. They've
17 filed five ex parte motions to stay all depositions
18 and to stay the proceedings in this case on March 31st,
19 April 23rd, April 30th, May 4th--two motions on May 4.
20 So what we see is a pattern of conduct where the bank
21 has tried everything in their power to delay this case,
22 delay discovery, and that was a deliberate and
23 calculated decision by the bank not to do any
24 discovery, but to try to file all these meritless,
25 groundless motions to try to stay discovery and not

1 do anything until the very last minute, and then come
2 into court and say, please, vacate the trial date and
3 the discovery dates because we haven't had time to do
4 our depositions.

5 Your Honor, you know, that's the bank's
6 problem; that's not our problem, and that's not the
7 court's problem. We agreed to take the depositions
8 of their bank representatives in the beginning of May.
9 In fact, you know, Your Honor, it really aggravates me
10 that Mr. Bronze comes into court and says that we have
11 not agreed to cooperate with them, because at the very
12 beginning of this case I wrote a letter saying, "we
13 know you have off-island witnesses who are employed by
14 the bank; will you agree to make them available?"
15 Response: Absolutely not, you're going to have to go
16 through Rule 28 if you want to take depositions of our
17 people off-island. That's what we did. We filed a
18 letter of request for two depositions in Hong Kong, we
19 filed that request or that application over a month ago
20 in Hong Kong; we expect to hear an answer this week.

21 Judge Unpingco ruled on one of their motions
22 to stay depositions in this case, and in his order he
23 called the bank's conduct a delay tactic. And that's
24 exactly what it is. The Court should not reward the
25 bank's lack of diligence and their delaying tactics by

1 allowing them an additional nine months of discovery,
2 and a year and four months before trial, which is what
3 they're asking for in their proposed scheduling order.

4 Your Honor asked, what did the bank propose
5 when we had the proposed scheduling order and discovery
6 plan before the court. The bank asked for a trial date
7 of October 2004; the plaintiffs asked for a trial date
8 of August, 2004. In our scheduling conference before
9 Judge Unpingco, the judge basically split it between
10 the parties and said, you know, I'm ordering the trial
11 to be held in September since you two can't agree.

12 Now, much has been made of the fact by
13 Mr. Bronze that these foreign depositions are going
14 to take a great deal of time, and that we didn't
15 disclose these two individuals in our answers to
16 interrogatories until April 30th. Well, Your Honor,
17 they didn't serve their first interrogatories until
18 March, five months after the complaint was filed.
19 So that's lack of diligence on their part.

20 As Your Honor knows, because I have been
21 before Your Honor in the Superior Court in cases
22 involving letters of request on foreign depositions,
23 I've had a great deal of experience in them. And,
24 Your Honor, the website on the State Department and
25 what is required in each country is simply not

1 informative. In fact, there's a disclaimer on the
2 website that specifically says, "we do not guarantee
3 the authenticity of the information in this website";
4 you are, you know, required to go and seek local
5 counsel or other more pertinent information in the
6 location in which you attempt to take depositions or
7 other evidence abroad.

8 Our experience has been that once you have
9 experienced counsel, they diligently pursue a letter
10 of request, or Letters Rogatory, you can have an order
11 from a foreign court within a few weeks, at the most
12 a month or so, before you get an order granting the
13 taking of depositions of individuals abroad. We did
14 that last year in the Western Systems case in
15 Australia, in India, and in London. So, you know,
16 it doesn't take a very long period of time, and it
17 certainly doesn't take a year.

18 The only reason that we are asking for an
19 extension of the discovery deadline is because we're
20 forced to. The bank agreed to produce their witnesses
21 for deposition the first week of May; in fact, we went
22 round and round on this. Mr. Bronze, you know, went so
23 far --

24 THE COURT: You're asking to extend the
25 discovery deadline by how much time?

1 MS. ARRIOLA: We would ask until the end of
2 July or the end of August. And we'd ask the trial date
3 remain intact.

4 Here, Your Honor, this is not a situation
5 where we -- in every trial that I've been involved in,
6 almost always there are depositions that are late or
7 that take -- that are asked leave of court, people ask
8 leave of court if they can take depositions beyond the
9 discovery deadline due to extenuating circumstances.

10 Obviously, we would have no objection if the
11 bank wanted to take their depositions right up until
12 trial date of these people in the Philippines and in
13 Dubai, if that's what they wanted to do, because, you
14 know, they're obviously entitled to take those
15 depositions. But we don't believe that the trial
16 date should be continued up to a year and four months
17 from now, which they've proposed in their amended
18 scheduling order; they've asked for a trial date of
19 October 2005, and they've asked for additional
20 discovery of nine months.

21 THE COURT: But are these witnesses on your
22 trial list of -- or are these individuals on your trial
23 list of witnesses?

24 MS. ARRIOLA: They are not on our trial list;
25 they were simply answers to interrogatories. We do not

1 at this point intend to call them as witnesses. We
2 believe that that information can be obtained from the
3 plaintiffs. But obviously, you know, if the bank feels
4 that that is not the case, they can certainly go and
5 take these depositions.

6 THE COURT: Through interrogatories, through
7 your office maybe or not?

8 MS. ARRIOLA: That's certainly the case, they
9 still have, you know, additional interrogatories under
10 the rules that they can ask for.

11 I mean, Your Honor, you know, your questions
12 are right on point, which is, you know, what is the
13 least expensive and the most efficient way for us to
14 conduct the discovery in this case.

15 For example, you know, we have stated our
16 intention to take Guy Priestly's deposition in Pakistan
17 if we're forced to do that. But, frankly, we believe
18 that we might be able to get the deposition from the
19 two witnesses who refused to appear for their
20 depositions, who are bank employees now, because they
21 were there at the same time as all the, you know, the
22 facts and the events that are giving rise to this
23 complaint. It may very well be that we may not need
24 to take his deposition at all.

25 THE COURT: I see.

1 MS. ARRIOLA: What I have not heard the bank
2 state in this case is what prejudice do they suffer
3 from moving the trial date or from, you know,
4 extending --

5 THE COURT: Will the plaintiffs suffer any
6 prejudice if it's moved two months?

7 MS. ARRIOLA: Absolutely. Your Honor,
8 absolutely. Let me tell you what the prejudice is.

9 My clients have a promissory note that they
10 had with the bank, they are making monthly payments of
11 \$75,000 a month. That's a huge amount for them to be
12 making, particularly in this economy, particularly in
13 the rental market, and particularly in the type of
14 business that they're in, which involves inventory and
15 retail sales, for example, at Tick Tock Shop.

16 Had the bank allowed my clients the
17 opportunity to fulfill their obligations under the
18 work-out agreement, which is the centerpiece of this
19 case, that the bank and the plaintiffs had a work-out
20 agreement where the bank would allow the plaintiffs to
21 either sell off their properties or obtain alternate
22 financing, they would not be here today and they would
23 not be required to make those \$75,000 a month payments
24 to Paradise Marine Corporation which bought the note
25 from the bank.

1 Now, you know, the bank is -- counsel is going
2 to come up and --

3 THE COURT: They're making monthly payments
4 on a note that has matured?

5 MS. ARRIOLA: It has matured, true. As such,
6 Your Honor, which is a good point, as such, Paradise
7 Marine Corporation has already claimed that they are
8 in default. Therefore, the prejudice to my clients is
9 that if they are in default and the bank seizes or
10 forecloses on these valuable pieces of property, which
11 includes the HongKong Shanghai Bank building in, you
12 know, Tamuning, as well as other valuable pieces of
13 property in Guam --

14 THE COURT: Wouldn't you be able -- Well,
15 assuming if you suffer losses, wouldn't you be able to
16 claim more damages?

17 MS. ARRIOLA: That's correct, Your Honor.
18 That's correct. Except, of course, Your Honor,
19 foreclosure of real property is in many instances
20 irreparable damage; you know, it's an intangible that
21 you cannot recover once those properties are foreclosed
22 upon. And that is a serious prejudice and harm to my
23 client. By contrast, we haven't heard anything from
24 the bank in terms of what their prejudice, except for
25 the fact that, number one, they refuse to bring their

1 employees, you know, to a place where we can depose
2 them conveniently; and secondly, that they need an
3 extension of the trial date and the discovery date
4 because they just weren't diligent.

5 THE COURT: Is the monthly payment the
6 prejudice, or the fear that it might be foreclosed?

7 MS. ARRIOLA: It's both, Your Honor, because
8 frankly, they are not able to make the monthly
9 payments. And that has already been borne out by
10 letters from Paradise Marine Corporation's attorneys
11 saying that they are in default. So it's both, they
12 can't make the monthly payment, and they are in real
13 danger of the properties being foreclosed.

14 With all that, Your Honor, we would ask for
15 a brief extension of the discovery deadline so we can
16 take the depositions of the bank employees who refused
17 to appear for their depositions, and so that the
18 defendants can take the plaintiffs' depositions.

19 THE COURT: What's the deadline at the moment
20 in terms of discovery?

21 MS. ARRIOLA: The deadline is Tuesday, June 8.

22 THE COURT: June 8. And you're asking for an
23 extension to when?

24 MS. ARRIOLA: Until the end of July or mid-
25 August.

1 THE COURT: And the trial is on the 21st of
2 September?

3 MS. ARRIOLA: Yes.

4 THE COURT: Well, that's another thing I don't
5 know, whether we might have a visiting judge to hear
6 the case.

7 MS. ARRIOLA: I understand that, Your Honor.
8 However, as Your Honor knows, if we take the trial date
9 off the calendar, you know, and we don't have a firm
10 trial date, it doesn't give the parties, particularly
11 the bank, any incentive to diligently pursue their
12 case, and for us to even, you know, complete our case.

13 You know, another thing that I want to state,
14 Your Honor, I'm sure this will come up in the
15 plaintiff's motion to compel the depositions of the
16 bank employees, you know, I notice that the bank filed
17 a reply stating that, you know, there's no need for a
18 motion to compel our bank employees' depositions
19 because we will agree to produce them as soon as the
20 Court issues an order on our motion to stay; and once
21 the Court issues an order, we would like the
22 depositions to be held 30 days from the date of that
23 order.

24 You know, Your Honor, we're willing to take
25 the depositions next week; we want to take the

1 depositions as soon as possible. We just want to
2 prosecute this case and get our case to trial.

3 And unless Your Honor has any questions,
4 that -- we would submit on that.

5 THE COURT: Okay. Thank you.

6 Mr. Bronze, reply?

7 MR. BRONZE: Your Honor, based on the fact
8 that this case has only been filed in October, on Page
9 5 of my opening brief requesting the Court to vacate
10 this trial date, we have shown that we have been
11 diligent. I think before you take depositions, and you
12 can look at various treatises on this, that you try to
13 do all your paper discovery as much as possible.

14 The disclosures were made to them on December
15 12, there were hundreds if not thousands of additional
16 disclosures that we made on January 29th and February
17 11th. We then subpoenaed First Hawaiian Bank documents
18 on December 29th, we did a request --

19 THE COURT: But you haven't even taken the
20 deposition of the plaintiffs, which appears --

21 MR. BRONZE: Your Honor, we cannot take the
22 deposition of plaintiffs until we get all this paper
23 discovery done, then there's all this paper -- amended
24 complaint filed where we are being asked to depose a
25 plaintiff when we don't even know what the facts are.

1 The Court has struck the first amended complaint. We
2 are litigating the case by ambush where I cannot go
3 back later on and try to re-depose Mr. Sadhwani over
4 issues that were raised in an amended complaint which
5 was not in a court file.

6 THE COURT: All right. But even if it struck
7 the first amended complaint, though, you have to
8 remember that the causes of action continue, it's the
9 causes of action that, you know, bears on the case,
10 that's what you're defending, not so much certain
11 allegations within each cause of action but the cause
12 of action. It has remained -- it has remained in the
13 case.

14 MR. BRONZE: You cannot depose a party to a
15 case without knowing what the allegations are and test
16 those allegations in --

17 THE COURT: But you know what the allegations
18 are in the first complaint that was filed because your
19 subsequent motion was basically to strike.

20 MR. BRONZE: Correct. And this was not --

21 THE COURT: The only thing that would be
22 stricken was the additional verbiage that was put in
23 the first amended complaint.

24 MR. BRONZE: So what we have -- what the Court
25 is telling me is the Court -- the plaintiffs can

1 violate the Federal Rules and I still have to take a
2 deposition on a complaint that has no legal effect.
3 And that's what the judge found, that they didn't.

4 THE COURT: Well, you know, if you move to
5 strike, and it appears that the common-sensical thing
6 would be to strike the verbiage that appeared in the
7 first amended complaint --

8 MR. BRONZE: Granted, Your Honor, but at least
9 once a complaint is filed, we know what the facts will
10 be in the complaint and not be in the complaint.

11 THE COURT: But you've known since the date
12 the complaint was filed what the facts are in the
13 original complaint.

14 MR. BRONZE: Yes, but they are seeking to
15 amend the complaint, which --

16 THE COURT: I don't think they're seeking to
17 amend the complaint.

18 MR. BRONZE: The Court order allowed them to
19 -- Judge Unpingco's order allowed them to amend.

20 THE COURT: The third and the sixth.

21 MR. BRONZE: The third and the sixth. And
22 that's not what they did. They filed a completely
23 different first amended complaint from just the third
24 and the sixth; they amended the factual allegations,
25 they amended counts 1, 2, 3, 4 --

1 THE COURT: And you objected to the amendments
2 of those claims.

3 MR. BRONZE: Right. And my point is how can
4 I take a deposition? We have filed a motion to strike
5 this pending the Court's resolution what the true state
6 of the status of the complaint is.

7 THE COURT: But what I'm saying, though, is
8 that your motion to strike only relates to the
9 additional verbiage. You still have the original
10 complaint that you can use as a basis for getting
11 information, discovery.

12 MR. BRONZE: Then we are litigating by ambush,
13 Your Honor. I would not -- if they did something else,
14 which they have a pattern of doing, if they add
15 something else to their first amended complaint, or
16 second amended complaint, we have no ability later on
17 to get information from a material witness as it
18 relates to these facts. We are being set up for ambush
19 here.

20 THE COURT: You can ask the Court to have
21 another deposition.

22 MR. BRONZE: Your Honor, that is not right.
23 I mean, it's just giving the plaintiffs another second
24 bite at the apple that -- they themselves have attached
25 to the declaration to the motion to reconsider, they

1 wrote me a letter saying they do not believe that
2 there's such a right to re-depose witnesses. Okay,
3 they have taken that position.

4 THE COURT: Then you come to court and the
5 court will give you that right. You respect what --

6 MR. BRONZE: (Overlapping/unintelligible.)

7 THE COURT: -- the rule says, the court can
8 give you the right to take the deposition of a witness
9 that has previously been deposed.

10 MR. BRONZE: Your Honor, I don't believe that
11 there's a rule for it; they've taken the position
12 that's not, the fact that we have not taken --

13 THE COURT: Well, I've had witnesses deposed
14 again when the parties come to court and ask that they
15 take the deposition again.

16 MR. BRONZE: Your Honor, granted, okay, we
17 didn't do the deposition. We filed this, and 30 days
18 prior to the discovery cut-off, it's being now heard
19 for various reasons on June, whatever today is, June 4.
20 That is clearly, we have been diligent in this case.
21 The fact that they have not -- then there's these
22 issues regarding these foreign depositions.

23 Ms. Arriola talks about she's done depositions
24 in London and Australia; you cannot compare
25 jurisdictions like London and Australia to places like

1 Pakistan and the Philippines where -- I mean, it's
2 common knowledge, these places take forever to resolve
3 cases. And the fact that these countries, London and
4 Australia, the Court can do the search, these countries
5 I'm pretty sure are signatories to The Hague
6 Convention; the process is a much faster process.
7 That is not the case for Dubai, for the Philippines,
8 for Pakistan.

9 In regards -- well, she may not be, need to
10 take the deposition of Priestly because she will take
11 the deposition of Mr. Underwood. Mr. Underwood, I do
12 not believe was here when Mr. Priestly was in Guam, so
13 maybe she will need it, maybe she will not.

14 The burden on KSI is no different than any
15 litigant that chooses to come to this court and file a
16 case. Litigants always face immeasurable either
17 damages or burdens. What they faced when they face
18 this loan, 75,000, is the same they face now having to
19 pay PMC 75,000. And I'm informed by PMC they have now
20 stopped making payments on that; that's their problem.
21 If they are refusing to pay PMC to finance this
22 litigation, they do that at their own peril.

23 In regards to the initial disclosures, where
24 we should have asked these names at the beginning of
25 the case, we didn't -- we're narrowing down which

1 witnesses they will call, and we filed the interrogs,
2 they then popped up with these two names, which they
3 are required. If this was not a sham concocted at the
4 last minute, they should have known these names when
5 they gave us the initial disclosures. And I'm telling
6 the Court they never did, nor in their supplemental.
7 They only did it on April 30th. And now they're
8 placing the blame on us for wanting to depose the
9 witnesses. And the fact that, you know, it takes, you
10 know, three months, six months to a year --

11 THE COURT: But Ms. Arriola said that these
12 individuals are not going to be on their witness list,
13 so whatever it is that they've said --

14 MR. BRONZE: It's my obligation to depose
15 these witnesses. Yes, it's on their witness list, but
16 I have a right to depose them.

17 THE COURT: All right. But whatever
18 information it is that they're going to shed on the
19 case may not come in because they're not going to be
20 here to testify.

21 MR. BRONZE: Well, I --

22 THE COURT: You're arguing over discovery of
23 these individuals, and more likely there's no evidence
24 that's going to come from them because they're not
25 going to be witnesses.

1 MR. BRONZE: Your Honor, that's what she says
2 now; six months down the road, it may be a different
3 story.

4 THE COURT: In six months, if they're going to
5 be produced, then you're going to get your extension,
6 see?

7 MR. BRONZE: Your Honor, and for motion for
8 summary judgment, we want to depose these witnesses.
9 I'm not going to rely on counsel's statement that
10 he's not -- I mean, she has identified them in the
11 interlogs. She's making the statement now, well, you
12 know, it's in their complaint, it's the first amended
13 -- I'll bet you it's in the first amended complaint
14 that she says these are -- although they don't put
15 these -- identify these individuals by name, they say,
16 there are other individuals that were supposed to
17 provide financing, and these are the two individuals
18 they're talking about.

19 THE COURT: But wouldn't it make sense for the
20 court, if they come with these individuals and they say
21 at a later point that they are going to be witnesses,
22 and when you come in to me and ask for an extension
23 that I will grant your extension because of that?
24 Wouldn't that be the logical thing to do?

25 MR. BRONZE: Your Honor, we wouldn't know that

1 until at a point of motion for summary judgment or at a
2 point of trial, now we've got to delay trial to go
3 depose two witnesses when we can go do it now. This
4 issue of burden is like any plaintiffs who come to this
5 court, why --

6 THE COURT: Because we don't need to delay
7 trial now because that event may not occur. But when
8 it's a certainty, then there's a need to delay it.

9 MR. BRONZE: Well, they've raised a factual
10 issue, and we have a right to depose these people.
11 And this issue about discovery, when are we going to
12 be able to file a motion for summary judgment, even
13 assuming July 30th is the discovery cutoff. The rules,
14 the local rules states that you have to file a trial
15 brief 30 days prior to the trial date.

16 So, are we saying that we're going to -- I
17 mean, when is the Court going to have time to hear
18 a motion for summary judgment, rule on it, filing a
19 trial brief within 30 days from trial date. It is
20 not feasible, Your Honor.

21 And this prejudice being argued, this is not
22 -- the test under 60(b) is fairly --

23 THE COURT: Well, you know, if we look at the
24 practicalities really, if you feel a need to file your
25 summary judgment and that summary judgment is pending

1 before trial, you may get an extension of the trial
2 pending disposition of the summary judgment motion.

3 MR. BRONZE: That may be the case. It gives
4 us no time to prepare, we'll be doing discovery up to
5 July 30th, when is the -- we're going to get one week
6 to file or two weeks to file a major motion for summary
7 judgment.

8 What they are trying to do here, this case,
9 and Judge Pregerson asked plaintiffs, how long has this
10 case been -- this case has only been here on October
11 21st, filed last year. And what they are trying to do
12 is --

13 THE COURT: And in part, though, you've agreed
14 to move it on a fast track by saying that you want
15 trial on October 2004. You're part of the process that
16 has moved it on a fast track.

17 MR. BRONZE: Your Honor, like I told the
18 court, I don't know what was proposed, I can't
19 remember --

20 THE COURT: Well, right here, October, I have
21 it right here on your proposed --

22 MR. BRONZE: And --

23 THE COURT: -- it says October 18, 2004,
24 that's when you wanted to go to trial on this case.

25 MR. BRONZE: But that's the problem, sometimes

1 in cases, like you go through cases, you anticipate --
2 ou encounter problems that you don't anticipate, just
3 like these witnesses. I mean, she needs time; I mean,
4 she's asking the Court basically grant me an additional
5 two, three months, but let's keep the trial date. You
6 cater to me, but it's okay, HSBC, never mind, I mean,
7 they'll figure it out. You know, that is not fair, and
8 that's not what the rules state.

9 THE COURT: But what I'm saying, though, is
10 that once discovery is completed and you feel a
11 necessity to file a summary judgment motion, the filing
12 of that motion and its lack of disposition by a trial
13 date may continue the trial date.

14 MR. BRONZE: That may be the case. Still
15 brings us the issue of -- let's say, let's for
16 argument's sake we say, well, as a condition precedent
17 to the work-out, they have to get alternative
18 financing, and we -- I mean, it is clear First Hawaiian
19 never gave them financing. Plaintiff is going to --
20 their argument is, oh, I have two individuals, I will
21 guarantee the court there are two individuals that were
22 going to provide financing; this is the guy in Dubai,
23 this is the guy in the Philippines.

24 What do we do now? Now we are stuck. Are we
25 going do lose this motion because there's a factual

1 argument being raised that these two individuals that
2 had a secret agreement with Sadhwani to do the -- to
3 provide financing. And that's exactly their tactic
4 here is to litigate this case by ambush. Granted as
5 much as possible you cannot do anything, and that's
6 their tactic, that's all along. We have not --

7 THE COURT: But have you set the machinery in
8 place to take their deposition?

9 MR. BRONZE: We are working on the -- we just
10 retained litigation counsel both in Dubai and in the
11 Philippines, we are currently working on this.
12 Obviously, we have this issue, we've got a June 7th
13 discovery cut-off; it's not feasible to take these
14 depositions. And granted, we get some time, then
15 obviously we have started the process, and it's --

16 THE COURT: But you haven't filed any papers
17 that shows that you've started the process.

18 MR. BRONZE: Your Honor, we are -- to date we
19 have not, we're waiting -- we're working on it, I have
20 a draft that's gone to counsel in the Philippines.
21 Dubai, the guy is still on vacation. We have discussed
22 it, he's interested to take the case; however, he is
23 not in Dubai, and I believe he returns this week or the
24 end of the week or something, or this weekend he's
25 going to be back in Dubai. And the stuff, Your Honor,

1 is time consuming, they have their own rules in Dubai
2 and the Philippines. You know, they've got to prepare
3 in accordance to their rules and then file it here. If
4 there's a mistake in it, we're back to square one.
5 These things are not as simple as --

6 THE COURT: You know, I have some cousins in
7 the Philippines; maybe I can expedite it for you.

8 MR. BRONZE: Maybe.

9 (Laughter.)

10 MR. BRONZE: And so, in summary, Your Honor,
11 the July discovery cut-off period is not feasible.
12 We're going to be back here, it's -- we have been
13 diligent, and I think what we're asking, we'll propose
14 a shorter discovery period, which is maybe July of next
15 year.

16 Thank you, Your Honor.

17 THE COURT: Okay. On your request on this
18 motion, the court is going to take it under advisement,
19 really. And if I make any decisions on that motion,
20 it's taking into consideration the fact that we have
21 visiting judges that come by here; we are tentatively
22 planning on scheduling some of them to come in
23 different times. As of the moment, I don't see any
24 judge coming here in September. So that may play a
25 part in terms of what the court ultimately decides

1 here. It might move it to a time in which there will
2 be a judge that's actually going to be here. So those
3 would be considerations that the court will take when
4 it issues a decision on this matter. So I'll take it
5 under advisement.

6 On the third motion, it's a motion to compel
7 and for sanctions, that's the plaintiff's motion.

8 MS. ARRIOLA: Your Honor, we filed this motion
9 to compel because we knew that we would not be able to
10 take the depositions of Fred Granillo and Chris
11 Underwood, the bank's representatives, before the
12 discovery deadline in this case, which is next week
13 Tuesday, June 8th, and it was purely out of a
14 precautionary measure, but also because we had had an
15 agreement with the bank that they were going to produce
16 their clients the first week of May for their
17 depositions. They reneged on that agreement and
18 instead filed several motions to stay the depositions
19 and the proceedings.

20 Before getting to the merits of it, Your
21 Honor, though, I do want to address one issue, and that
22 is that the bank has raised the issue that we did not
23 comply with the Local Rules concerning notifying them
24 that we were going to file this *ex parte* matter. And
25 that is true. And there is good cause, however, Your

1 Honor.

2 I did want to let Your Honor know that at the
3 time that we were preparing the *ex parte* motion to
4 compel the depositions of these two individuals, we
5 were preparing our oppositions to the various motions,
6 which numbered I would say eight or nine motions that
7 the defendant had filed. I was getting ready to leave
8 off island on May 12th, I had prepared a letter to
9 Mr. Bronze for my partner, Joaquin Arriola, to sign,
10 and that it simply, you know, got waylaid, and it was
11 neglect that we did not send this letter out to
12 opposing counsel informing him that we were going
13 to do the *ex parte* motion.

14 I did write to him beforehand for a meet and
15 confer; he did not respond, which was put in my
16 declaration. But again, Your Honor, we would ask that
17 our neglect and our failure to follow the local rules
18 in terms of notifying them about the filing of the *ex*
19 *parte* motion be excused because there was good cause.

20 On the merits of the motion to compel, Your
21 Honor, these two individuals, Fred Granillo and Chris
22 Underwood, are not third party witnesses; they are
23 parties in the case. They are the general manager of
24 the bank and they are one of the assistant vice
25 presidents. As I said previously, the parties agreed

1 to --

2 THE COURT: Which one is the general manager?

3 MS. ARRIOLA: Chris Underwood.

4 THE COURT: All right.

5 MS. ARRIOLA: And Mr. Granillo is the
6 assistant vice president, I believe, of credit
7 management, but I may have that title wrong.

8 We had an agreement to take their depositions
9 the first week of May. The bank reneged on that, and
10 failed to show up at their depositions, and they filed
11 all of these motions to stay.

12 On May 3rd was the date of Fred Granillo's
13 deposition, and at that time there was no pending
14 motion under Rule 26. And that is what the bank is
15 relying on, they're relying on the fact that they
16 had pending motions during -- on the days that the
17 depositions were scheduled, May 3rd and May 5th.
18 However, there was not a pending motion on May 3rd
19 because their motion to stay had already been denied
20 by the Court on Friday, April 28th.

21 Similarly, on May 5th, the date scheduled for
22 the deposition of Chris Underwood, they claim that
23 there was a pending motion, but in fact, the only
24 motions on file at that time were two motions to
25 reconsider the orders denying the motion to stay.

1 Those are not motions under Rule 26(c); those are
2 motions to reconsider. 26(c) is very clear about what
3 motions are required under that rule, and those are
4 essentially motions for protective orders, or to stay
5 depositions.

6 Instead, what was present on the two days
7 that these men were scheduled to show up for their
8 depositions were two court orders denying the bank's
9 motion to stay depositions; there was an order by Judge
10 Unpingco denying the first motion to stay depositions
11 pending determination of its first motion to dismiss,
12 and there was the order of April 28th where the judge
13 denied the motion to stay all depositions again.

14 So it is our position that sanctions should
15 be granted against the bank for failing to show up when
16 there were no pending motions.

17 THE COURT: But the bank is saying that they
18 didn't receive notice of those orders prior to the May
19 3rd deposition.

20 MS. ARRIOLA: Well, you know, Your Honor, we
21 received the order May 3rd, the date of Fred Granillo's
22 deposition, and it was incumbent -- our position is it
23 was incumbent upon the bank to check the Court for the
24 orders, for any orders, because they were doing this on
25 an *ex parte* motion basis.

1 In fact, if you read Mr. Bronze's deposition
2 -- or, I'm sorry -- declaration, which was filed in
3 support of the motion to stay, he specifically
4 requested please try to make a decision before the
5 date of the depositions because we have these pending
6 motions on -- or these depositions that are scheduled
7 to be taken on May 3rd and May 5th. And in his
8 declaration and his motion, he specifically pleaded for
9 the Court to make a decision sometime before that week
10 and before the date of the depositions.

11 You know, had he been more diligent in terms
12 of following up and finding out whether or not an order
13 has been received or had been entered on the docket, he
14 would have found that the order had been entered that
15 Friday before the date of the depositions, or at the
16 very least, on that Monday when we received notice of
17 it. So --

18 THE COURT: Did you receive notice before the
19 deposition?

20 MS. ARRIOLA: We received notice, I believe,
21 in the morning of May 3rd.

22 THE COURT: Before the scheduled time?

23 MS. ARRIOLA: No, not before the scheduled
24 deposition.

25 THE COURT: After the scheduled time?

1 MS. ARRIOLA: After the scheduled time, that's
2 true.

3 But, Your Honor, you know, regardless of
4 whether you grant sanctions, what we want in this case
5 is we want to take their depositions. That's all we're
6 asking for. We cannot possibly take it in a time
7 before the discovery deadline in this case, which is
8 next Tuesday; we simply want an order from the Court
9 compelling them to produce these two guys for their
10 depositions, because we want to take them as soon as
11 possible. And that is really the whole basis of our
12 motion, we just want them to produce their people so
13 that we can take their depositions, because we are
14 prepared to do that, and we've been prepared to do that
15 since the first week of May when their depositions were
16 scheduled and noticed.

17 And if Your Honor is going to, you know, rule
18 on the motion to vacate the scheduling order, and make
19 some other deadlines, we would ask the court, you know,
20 try to give us notice of that as soon as possible so we
21 can take depositions as soon as possible.

22 THE COURT: Well, you know, I think as of the
23 moment, we have to proceed as if the trial were to go
24 September, because that's the only order. Until you
25 hear otherwise, you would continue the due diligence

1 that you talked about.

2 MS. ARRIOLA: Except that the discovery
3 deadline, the order that is outstanding on the
4 discovery deadline is Tuesday; if we can get some
5 indication, for example --

6 THE COURT: Well, the Court is definitely
7 going to extend the discovery deadline. The only thing
8 that I'm going to reconsider, really, is whether
9 extending the discovery deadline necessitates extending
10 the trial date.

11 MS. ARRIOLA: Thank you, Your Honor. Then we
12 can proceed with our depositions?

13 THE COURT: Anything else?

14 MS. ARRIOLA: I'm asking, then, Your Honor,
15 I'm asking whether we can proceed with our depositions.

16 THE COURT: Well, I suppose the Court would
17 have to make that decision after this motion.

18 MS. ARRIOLA: But I mean with other
19 depositions.

20 THE COURT: Yes. Yes.

21 MS. ARRIOLA: I just want to make sure of
22 that.

23 THE COURT: Yes. The Court is going to extend
24 discovery because even the defendant hasn't engaged
25 in much discovery, so I think with regards to both

1 sides, there is a need to extend discovery.

2 You're only asking to the end of August,
3 I think, or July? Or mid-August?

4 MS. ARRIOLA: August -- mid-August.

5 THE COURT: And the defendant is asking for
6 at least a year, so, obviously it would seem to be
7 prudent to extend it at least to mid-August, because
8 that's not being opposed on the other side because they
9 want a year.

10 MS. ARRIOLA: Okay.

11 THE COURT: So just for purposes of, you know,
12 some guidance, of course discovery would extend to mid-
13 August.

14 MS. ARRIOLA: Great.

15 THE COURT: August 18th, let's say.

16 MS. ARRIOLA: Thank you, Your Honor.

17 THE COURT: It can be longer, it can be less
18 depending on how that motion is decided -- I mean, it
19 can be more, not less.

20 MS. ARRIOLA: Thank you very much. I
21 appreciate it, Your Honor.

22 THE COURT: Mr. Bronze, on the motion to
23 compel.

24 MR. BRONZE: Your Honor, the plaintiffs have
25 argued that the motion to reconsider are not motions

1 under FCRP 26(c), and they have provided nowhere in
2 their reply brief any authority for that proposition.
3 The facts of this case is I did not get a copy of the
4 Court's order, it was actually faxed by plaintiff's
5 counsel about 2:30 in the afternoon. We didn't -- I
6 did not get the one from the Court box until sometime
7 about 4:00 o'clock. I never got any call from, my
8 recollection, or my staff never got any call from the
9 Court that the order had been issued. And --

10 THE COURT: But the parties -- case law, case
11 law provides that parties can be sanctioned even when
12 they have pending motions for failure to appear at a
13 deposition.

14 MR. BRONZE: Your Honor, that's not what the
15 rules say. The rules --

16 THE COURT: Well, read 186 FRD.

17 MR. BRONZE: I don't have the Federal Rules
18 with me, Your Honor, but 37(d) says that the --

19 THE COURT: Well, no, what I'm saying is that
20 parties have been sanctioned by courts even though they
21 have a pending motion, pending protective order, for
22 failure to appear at a deposition. There are cases to
23 that effect.

24 MR. BRONZE: Your Honor, well, none of the
25 cases cited by --

1 THE COURT: Well, it doesn't matter what they
2 cite, it's what the case law on the subject is.

3 MR. BRONZE: Your Honor, then I will have to
4 see the --

5 THE COURT: I was just giving you a cite, 186
6 FRD.

7 MR. BRONZE: Well, Your Honor, in reliance
8 on the Rule 26(c), reading it from the face of the
9 statute --

10 THE COURT: Well, these courts also relied on
11 Rule 26(c) and Rule 37 to say that a party may be
12 sanctioned, even though you have a pending protective
13 order, because it's discretionary with the court to
14 excuse, not mandatory.

15 MR. BRONZE: Well, I don't think -- I think
16 you've looked at the cases that -- this is not I have
17 been willful, you have relied on what the statute says,
18 I have cited case law that support our position. We
19 didn't know about the order until at least as it
20 relates to the first deponent --

21 THE COURT: But it seems to me that your
22 position is that every time you have a pending
23 protective order, you're not subject to sanction.

24 MR. BRONZE: Certain cases that I have read
25 that, that that is correct, that so long -- I mean, the

1 cases cited by the defendant -- by the plaintiffs in
2 this case --

3 THE COURT: But what I'm saying is that there
4 are other cases that say otherwise.

5 MR. BRONZE: I haven't found the authority,
6 and to the extent the Court believes that is the case,
7 then I'll take what the Court --

8 THE COURT: Like I said, 186 FRD, D.DC 7, it's
9 a July 10, 1988 case, and it's Alexander versus the
10 FBI.

11 MR. BRONZE: Well, we believe our actions have
12 been in good faith in this case. In regards to the
13 Underwood, we had filed a motion to reconsider --

14 THE COURT: But in all pf these instances,
15 though, Mr. Bronze, you've already had an order that
16 has denied the protective order. So how can it be in
17 good faith not to appear at the deposition on May 5th
18 when your motion for the protective order has been
19 denied?

20 MR. BRONZE: Yes, but we have asked the Court
21 to reconsider the motion, which is --

22 THE COURT: After it has been denied?

23 MR. BRONZE: Yes.

24 THE COURT: Is counsel really serious that
25 after a judge has denied your motion for a protective

1 order, that it would reconsider that decision when you
2 have a deposition that's pending?

3 MR. BRONZE: Your Honor, a motion for
4 reconsideration where the Court has not considered
5 factual arguments based on the local rules, the Court
6 can -- it's valid under the local rules, it's valid
7 under Ninth Circuit precedence that the court can
8 reconsider.

9 THE COURT: So if you're going to take a
10 deposition in the future and you set it for June 11th,
11 all Ms. Arriola has to do is file a motion for a
12 protective order on June 10th and tell her parties "do
13 not appear because I have a motion for protective order
14 pending", that's the rule that you suggest, and I don't
15 think it's a good rule.

16 MR. BRONZE: Your Honor, to the extent that
17 it is not frivolous, you cannot just file a Rule 26;
18 I mean, we have asserted grounds of why we believe the
19 motion should have been stayed and why it --

20 THE COURT: But the judge has already denied
21 it.

22 MR. BRONZE: The judge may have denied it,
23 but we have the right to ask the judge to reconsider
24 his decision. Your Honor, I've been before you --

25 THE COURT: And if he denies that

1 reconsideration, are you going to file a third motion
2 for reconsideration?

3 MR. BRONZE: Of course, you're only allowed
4 one time to file a motion for reconsideration.

5 Your Honor, when you were in the Superior
6 Court, I have filed motion for reconsideration before
7 you and you have undertaken it and actually reversed
8 yourself in this -- in the *GEDA case versus Tommy*
9 *Tanaka* on certain counts regarding --

10 THE COURT: But I have never reconsidered on a
11 motion to attend a deposition. I may have reconsidered
12 on substantive grounds, on legal issues, finding that
13 your memorandum has enlightened me, enlightened me to
14 the point that I had erred in my previous ruling. But
15 not on -- but not on failure to attend a deposition,
16 really. I mean, it doesn't seem to me right that the
17 other party would be there attending, having their
18 court reporter there, having people there, and then
19 the only justification you have is that, oh, I have a
20 pending motion, even though it's the prior motion for
21 protective order has been denied.

22 MR. BRONZE: And that's the other point,
23 Your Honor. We advised counsel that we will not be
24 appearing, so any excuse about that they incurred
25 expenses is completely frivolous. We sent a letter,

1 it's attached to Exhibit 4 to my declaration, that
2 on May 4th, the deposition for Underwood which we're
3 discussing was supposed to be May 5th. At 4:00 o'clock
4 in the afternoon I faxed a letter to plaintiff's
5 counsel that I will not be appearing on the May 5th.
6 So if she undertakes to have the court reporter there,
7 knowing that we're not going to show up, we should not
8 be sanctioned for that.

9 THE COURT: Well, yes, because you haven't
10 gotten an order from the Court that says your motion
11 has been granted, that's why you should be sanctioned.

12 MR. BRONZE: Well, if that's the Court's
13 position, then, you know, we'll --

14 THE COURT: That's the position that we have
15 to take for every litigant, because I don't want
16 Ms. Arriola on the eve of your deposition to run to
17 the court and file a protective order, and nothing is
18 done with that protective order, she's going to tell
19 her client not to come to your deposition. I'm not
20 going to tolerate that.

21 MR. BRONZE: To the extent that they have no
22 grounds to do it. I mean, we had grounds.

23 THE COURT: No, no, she has grounds. Unless
24 I tell you that your protective motion is granted, then
25 that's, as far as I'm concerned, that's the only time

1 you're going to get sanctioned.

2 MR. BRONZE: Well, obviously, Your Honor,
3 there's differing authority on this, and so that's
4 maybe what the position is. There's differing
5 authority. There's authority supporting your position,
6 and there's authority supporting our position, and if
7 the court --

8 THE COURT: But, you know, doesn't it seem
9 that maybe what Ms. Arriola is saying is true here,
10 that you've not really been diligent in discovery?

11 MR. BRONZE: That is absolutely not true.

12 THE COURT: That you're preventing discovery?

13 MR. BRONZE: We are not preventing discovery.
14 We have -- The substance of this motion was we didn't
15 want to have to -- Your Honor, we're arguing this
16 motion, the motion to reconsider the stay, more than
17 a month later. We were facing a June 7th discovery
18 cut-off, or June 8 discovery cut-off, being forced to
19 take depositions, again going back, and we've gone over
20 this issue about the amended complaint, where we're
21 essentially doing a deposition by ambush with
22 potentially no rider under the federal rules that I
23 know of to then have to re-depose the witness.

24 And that was the basis of filing our motion
25 for protective order. And it was not a willful -- it

1 was not, you know, like these cases cited where these
2 people agreed to show at their deposition, they never
3 filed anything with the court. And that is not the
4 case here, I don't think there's contumacious behavior
5 on our part. We relied on what case law I have. I
6 mean, obviously, there's differing authorities over
7 this issue. And I don't think that's sufficient to --
8 for the Court to give sanctions.

9 And to the extent we'll make Mr. Underwood --
10 but the problem we have, Your Honor, is the Court -- we
11 ask the court to, if they're going to issue an order,
12 Mr. Underwood --

13 THE COURT: But the problem is, you're also
14 asking that the deposition cannot take place earlier
15 than 30 days from the court's order, and that's further
16 delaying discovery.

17 MR. BRONZE: Your Honor, bottom line is we're
18 asking that we are given an opportunity to discuss
19 everybody's schedule and make -- if the court says you
20 make him available in three weeks, then we have to say,
21 okay, we'll find everybody's schedule. The problem
22 with
23 Ms. Arriola is she just imposes a date, and whether
24 I have a conflict or somebody else, it doesn't matter,
25 that's the date.

1 THE COURT: Do you have a conflict in ten
2 days?

3 MR. BRONZE: I don't know; I'll have to check
4 my -- I don't know.

5 THE COURT: Could you check it, please?

6 MR. BRONZE: I will check. And I will need
7 to check Mr. Underwood's schedule also, or whoever the
8 deponent is; I'm not sure who the Court is talking
9 about.

10 That's all, Your Honor.

11 THE COURT: Ms. Arriola?

12 MS. ARRIOLA: You know, Your Honor, again,
13 I am just really aggravated by some of the
14 representations that are made here. Mr. Bronze had to
15 leave in April off island; he told me because he had to
16 care for an ailing parent. For that reason I did not
17 schedule any depositions for April in order to
18 accommodate his personal schedule.

19 I then wrote to him and said, can you produce
20 your clients for deposition on April 28th? He said no,
21 he couldn't; his clients were more available or it was
22 more convenient for them for me to take their
23 depositions on May 3rd and May 5th. That's why I
24 scheduled their deposition on that time, and that's
25 what we agreed to. And, you know, Your Honor, that's

1 in a declaration that I filed in opposition to the
2 first motion to stay all depositions that they filed
3 way back when in March. But it irritates me to no end
4 that Mr. Bronze is making all these statements that,
5 you know, they have been, you know, so accommodating
6 and they have, you know, been willing to produce their
7 clients; that is just not the case.

8 And, Your Honor, in terms of, you know,
9 sanctions, the facts are as they are, and they are
10 this. Number one: They agreed to produce their
11 clients, they never did; number two, they had five
12 pending motions to stay depositions, one filed right
13 after another, instead of conducting discovery, clearly
14 aimed to making it more expensive for us to litigate
15 this case, but also clearly aimed to not take their
16 clients' depositions when we had a chance to.

17 And then as Your Honor noted, there were two
18 court orders that specifically said, you know, we're
19 denying your motion for a protective order in terms of
20 staying the depositions. So what we had on the record
21 on May 3rd and May 5th was, we had two court orders
22 basically stating the depositions are going forward;
23 the scheduling order is intact as it stands. All of
24 those facts lead us to believe that sanctions should
25 be imposed here.

Wanda M. Miles
Official Court Reporter
District Court of Guam

1 And, Your Honor, when Mr. Bronze says, you
2 know, I gave her enough adequate notice, she didn't
3 have to have the court reporter there; Your Honor,
4 every single case that I have read says if you have a
5 deposition that's noticed and that's scheduled, you
6 bring the court reporter and you wait for the witness
7 to show up, and you make a record of what happened at
8 that deposition, whether they failed to show up or they
9 didn't fail to show up. And regardless of whether
10 Mr. Bronze, you know, sent me letters notifying me that
11 the clients were not -- his clients were not going to
12 come, I was going to make that record, because in my
13 understanding of the rules and the cases, that's what
14 you're required to do.

15 So, we would ask that Your Honor schedule
16 these depositions as soon as possible, grant our motion
17 to compel, and grant the motion for sanctions.

18 Thank you.

19 THE COURT: All right. You know, Mr. Bronze,
20 I don't think 30 days really is reasonable in light of
21 the fact that these depositions did not take place on
22 May 3rd and 5th. I think any notice to take a
23 deposition given within ten days is reasonable, really.
24 That's why I asked you what your schedule would be like
25 within ten days. Is that something you could --

1 MR. BRONZE: Your Honor, I could check my
2 schedule, and I need to check the two deponents'
3 schedule, and I can contact your law clerk and tell
4 her.

5 THE COURT: You know, the only time I'm going
6 to excuse them from not attending is if they have
7 planned trips off island.

8 MR. BRONZE: I don't know, Your Honor.

9 THE COURT: But otherwise, if they're here,
10 they must attend the deposition, really.

11 MR. BRONZE: I have no problem in regards to
12 that, Your Honor. I will check with them, and if I
13 have a scheduled conflict, then I will let the Court
14 know.

15 THE COURT: Let Ms. Arriola know so that it
16 can be scheduled on or about ten days. All right?

17 MR. BRONZE: Your Honor, is that from today
18 or --

19 THE COURT: Well, it should start from today,
20 because we've already lost 30 days from May 3rd, 30
21 days in terms of discovery time. So check your
22 schedule, and if you have a court case on a certain
23 day, I'm sure Ms. Arriola really can adjust dates or
24 times to accommodate your court schedule.

25 But, let's have the deposition take place ten

1 days from today, on or about; only to be rescheduled if
2 you have a scheduling conflict. All right? And also
3 if, let's say you talk to the deponents and they tell
4 you that one is in Alaska, or one is on a vacation
5 right now and they're not going to be back for another
6 two weeks, then of course you'll need to schedule it
7 when they come back.

8 Also, if they have a planned trip, you know
9 -- because this is the summer months, people are
10 traveling, I don't know whether that's the case -- let
11 Ms. Arriola know and maybe you can work out something
12 convenient in terms of when they're going to be coming
13 back. Maybe you can speed up the deposition really, if
14 they're going to be leaving within five days, maybe you
15 might want to take the deposition in four days,
16 especially if their vacation is going to be 30 days.
17 I don't want to disrupt a vacation that's planned,
18 especially if it's with the family. So those are
19 matters to take into consideration in terms of the
20 deposition. But let's just say ten days from today
21 to be rescheduled, if there are conflicts. All right?

22 Is that a problem, Ms. Arriola?

23 MS. ARRIOLA: That's not a problem, Your
24 Honor. I appreciate it.

25 THE COURT: All right. So for both

1 individuals, or do you want another individual on a
2 different date?

3 MS. ARRIOLA: Your Honor, I anticipate that
4 these depositions will take all day, and so they will
5 probably be two days, but one day after another is
6 fine, or with a day in between is fine.

7 THE COURT: All right. We can do it the same
8 way you noticed previously so there's a gap in between.
9 So ten days from today for either one of them, and then
10 12 days from today for the other one.

11 MR. BRONZE: 12 days, Your Honor?

12 THE COURT: 12 days from today for the other
13 one.

14 And as for the motion for sanction, really,
15 I'm going to incorporate that in I guess a decision
16 that will be coming forth from the Court. I've
17 reviewed some cases prior to this hearing, and it does
18 discuss instances in which sanctions have been imposed
19 against a party even though they had a pending motion
20 for protective order at the time of the scheduled
21 deposition. So I want to revisit those cases and look
22 at them again one more time for what they may be worth,
23 and incorporating it in a written decision. So I'll
24 have this decision out as soon as possible so we know
25 where we stand in terms of the scheduling order, the

1 anticipated trial date, and whether or not the Court
2 will grant sanctions in this matter.

3 Any other matters that we need to take up?

4 One of our problems here, really, is that we
5 can hear certain matters for certain issues but we
6 can't for others; so it's like having a dual forum in
7 terms of disposing of all of these issues, which
8 doesn't make it too accommodating, really, you know,
9 for moving cases forward, because sometimes we don't
10 know what's happening here when someone is hearing
11 another matter.

12 So, with that in mind, let me thank you for
13 being here this morning, and for being here for the
14 past hour and a half. Thank you very much counsel.

15 Unless there are any other matters?

16 MR. BRONZE: Thank you. No, Your Honor.

17 MS. ARRIOLA: Nothing further, Your Honor.

18 THE COURT: Thank you very much.

19 (Proceedings concluded at 11:31 a.m.)

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CERTIFICATE OF REPORTER

CITY OF AGANA)
) ss.
TERRITORY OF GUAM)

I, Wanda M. Miles, Official Court Reporter
of the District Court of Guam, do hereby certify the
foregoing pages 1-70, inclusive, to be a true and
correct transcript of the shorthand notes taken by me
of the within-entitled proceedings, at the date and
time therein set forth.

Dated this 15th day of June, 2004.

Wanda M. Miles

Wanda M. Miles
Official Court Reporter
District Court of Guam